

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOEL DONALD MALLORY, JR.,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. H-12-2608

HON. GREG ABBOTT, *et al.*,

§

Defendants.

§

ORDER

On March 26, 2013, a hearing was held on Joel Donald Mallory, Jr.'s motion for reconsideration of this court's order of dismissal. For the reasons stated on the record — including that the case is properly filed, in the interests of justice, in the Eastern District of Texas, where Mallory is in custody, where he was convicted, and where the events giving rise to the conviction all occurred, and that the custodian has not been named as a defendant — Mallory's motion for reconsideration, (Docket Entry No. 11), is denied. This case remains dismissed without prejudice to refiling in a proper venue against the proper defendant.

SIGNED on March 27, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge